

**To:** Montgomery, Michael[Montgomery.Michael@epa.gov]; Albright, David[Albright.David@epa.gov]  
**Cc:** Keener, Bill[Keener.Bill@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]  
**From:** Maier, Brent  
**Sent:** Fri 6/17/2016 4:01:13 PM  
**Subject:** Rep. Kevin McCarthy's Kyle Lombardi Message and Bill Text and Report Language in FY17 Interior Appropriations Bill on Aquifer Exemption Issue

Mike/David –

Please see message below from Kyle Lombardi, Legislative Director in Rep. Kevin McCarthy's office acknowledging his availability for our Monday, July 11<sup>th</sup> update call, but he also provided in his message some bill text and report language in the FY2017 Interior Appropriations Bill on aquifer exemption issue. Please let me know if you need me to raise this with any of the HQ Congressional Water Team if any of the language is of concern. Thanks.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

**From:** Lombardi, Kyle [mailto:Kyle.Lombardi@mail.house.gov]  
**Sent:** Friday, June 17, 2016 6:29 AM  
**To:** Maier, Brent <Maier.Brent@epa.gov>; Fong, Vince <Vince.Fong@mail.house.gov>  
**Subject:** RE: Proposed Update Call with EPA on Arroyo Grande Aquifer Exemption Permit

Hi Brent,

That works for me. Talk to you guys then.

Also, I figure you already know, but just wanted to make sure you saw the bill text and report language Congressman McCarthy was able to secure in the FY17 Interior appropriations bill on this issue. I've pasted it below for you review. The language is designed to help ensure that EPA can continue to protect groundwater drinking resources while processing oil & gas exempt aquifer applications in an expeditious manner.

Bill Text:

*The Administrator of the Environmental Protection Agency shall apply the criteria and procedures in effect as of the date of enactment of this Act for aquifer exemptions under the underground injection control regulatory framework, in a collaborative manner with the States and regulated industries, to promptly review and make decisions on all aquifer exemption applications using the criteria for exempted aquifers set forth in section 146.4 of title 40, Code of Federal Regulations (as in effect on April 1, 2016). The Administrator shall not use substantial program revisions for purposes of reviewing and making decisions on aquifer exemption applications involving underground injection authorized by permit, provided the injection is occurring into aquifers that meet the criteria for an exemption under such section 146.4 and the recommendations of key State resource agencies are taken in account.*

Report Language:

*Exempt Aquifers.—Protecting underground sources of drinking water while ensuring robust economic development is of critical importance to the Committee. Existing criteria and procedures for aquifer exemptions under EPA's Underground Injection Control (UIC) regulations for all classes of injection wells are sufficiently flexible to address new and changed circumstances, including the development of significant new information regarding what can or cannot reasonably be expected to serve as a source of drinking water. The Committee believes that amendments to these criteria are not necessary or warranted for purposes of processing any pending or proposed applications. EPA is directed to work within the existing UIC regulatory framework, in a collaborative manner with the States, the energy producing industry, and all other stakeholders that rely on UIC operations, to promptly review and process all aquifer exemption applications submitted to the Agency, including applications for Class II injection by permit, to ensure*

*robust oil and natural gas production in the States, and promote associated economic development and national security benefits, while simultaneously continuing to protect the Nation's underground sources of drinking water.*

*Consistent with EPA's Guidance for Review and Approval of State UIC Programs and Revisions to Approved State Programs, GWPB Guidance #34, aquifer exemption applications involving underground injection authorized by permit shall not be processed as substantial program revisions, provided the injection is occurring into aquifers that meet the criteria for an exemption set forth in 40 CFR 146.4 (as in effect on April 1, 2016), and the recommendations of key State resource agencies are taken in account. Notwithstanding the foregoing, the following aquifer exemption categories may be processed as substantial program revisions, irrespective of authorization by permit, to ensure consistency with GWPB Guidance #34 and 40 CFR 144.7(d), respectively: (1) exemptions involving Class I injection into aquifers containing water less than 3,000 mg/l TDS; and (2) exemptions involving expansion of the areal extent of Class II aquifer exemptions for the purpose of Class VI injection.*

Let me know if you have any questions. Thanks again,

Kyle

*Kyle Lombardi*

*Rep. Kevin McCarthy*

202-225-2915

**From:** Maier, Brent [<mailto:Maier.Brent@epa.gov>]

**Sent:** Thursday, June 16, 2016 6:38 PM

**To:** Lombardi, Kyle; Fong, Vince

**Subject:** Proposed Update Call with EPA on Arroyo Grande Aquifer Exemption Permit

Kyle – I was having some technical issues with my Outlook calendar and not sure you received this calendar invite so wanted to be sure that you and Vince received via e-mail as well for a proposed date/time for our next update call with you on the Arroyo

Grande Aquifer Exemption Permit. Please let me know if this proposed day/time work for one or both of you.

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Kyle Lombardi & Vince Fong

Office of Congressman Kevin McCarthy

Kyle/Vince -

Wanted to reach out to set up a call to provide you with an update on the **Arroyo Grande Aquifer Exemption Permit**. I am proposing a call for **Monday, July 11<sup>th</sup> at 11:30am**, however, if that date does not work, we could look to do an update call on either Thursday, July 7<sup>th</sup> or on Tuesday, July 12<sup>th</sup>. If this suggested time works, I have set up a conference line for us to use for this discussion and am providing both the call-in number and access code to join the call.

**Dial-In Number:** Ex. 6 - Personal Privacy

**Conference Code:** Ex. 6 - Personal Privacy

**Leader PIN:** Ex. 6 - Personal Privacy

Please confirm if this proposed day and time work for both of you. I look forward to hearing back from you.

Regards,

Brent Maier

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San Francisco, CA 94105

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